

DISCUSSION OF THE AMENDMENT

Due to the length of the specification herein, Applicants will cite to the paragraph number of the published patent application (PG Pub) of the present application, i.e., US 2004/0063366, when discussing the application description, both in this section and in the Remarks section, *infra*, rather than to page and line of the specification as filed.

Claim 1 has been amended by, in effect, deleting the embodiment wherein the polyurethane is not obtained in the presence of a crosslinking agent.

No new matter is believed to have been added by the above amendment. Claims 1, 4, 6-12 and 17-24 remain active in the application; Claims 13-15 stand withdrawn from consideration, but are subject to rejoinder.

REMARKS

The rejections under 35 U.S.C. § 103(a) of:

Claims 1, 2, 4, 6-8, and 17-24 as unpatentable over US 6,299,977 (Takeyama et al) in view of JP 09-59881 (Ashida et al), and US 4,914,764 (Mast et al),

and Claims 9-12 as unpatentable over Takeyama et al in view of Ashida et al, and Mast et al, and further in view of US 4,525,169 (Higuchi et al),

are respectfully traversed.

Applicants continue to rely on arguments for patentability in previous responses, which arguments are hereby incorporated by reference.

The Examiner states at page 4 of the Office Action: "If Applicant has used a more specific combination of reactants than what is currently claimed that may help to distinguish the claimed invention from that of the applied art." In that regard, the above-amended claims now require that the polyurethane be obtained by reacting, *inter alia*, a crosslinking agent.

Takeyama et al's polyurethane is not obtained from reactants including a crosslinking agent. Thus, aside from the other differences between the present invention and Takeyama et al, there is neither disclosure nor suggestion in Takeyama et al, or in any of the other applied prior art, to modify Takeyama et al's polyurethane by including a crosslinking agent in its preparation.

While it is submitted that the above is sufficient to put the case in condition for allowance, Applicants believe that the following should be considered.

In previous responses, Applicants explained the importance of using a water-dispersed polyurethane substantially free from organic solvents, as recited in Claim 1. Specifically, Applicants explained:

It has been well recognized in the art that the polyurethane solution in an organic solvent is coagulated into a porous state. Indeed, Takeyama et al, which uses a polyurethane solution containing an organic solvent in an amount of 50% or more,

discloses that the polyurethane impregnated into the substrate coagulates into a porous state (column 9, lines 28-35, and column 14, lines 38-45). Thus, while Ashida et al does not disclose that the polyurethane coagulates into a porous state, since both Ashida et al and Takeyama et al use a polyurethane solution in an organic solvent, it is reasonable to presume that the coagulated polyurethane of Ashida et al is in a porous state.

Since light is diffused randomly on a porous surface, a polyurethane coagulated in a porous state is opaque. If the polyurethane film is opaque, the color development and brilliance of the suede artificial leather are reduced, as described in the specification at page 30, last four lines. In order to remove the adverse affect of an opaque polyurethane on the color development and brilliance, the recited polyurethane A in the three-dimensional entangled body is made into a transparent film by using a water dispersion --which is substantially free from organic solvent-- of the polyurethane comprising a specific diisocyanate component (aliphatic diisocyanate or alicyclic diisocyanate).

In the present Office Action, the Examiner responds to the above by stating:

“Examiner has consulted other sources, more experienced in the art of polymers, and has learned that the type of solvent used would not affect the final polyurethane as long as the same reactants are used in each case and the polymer is sufficiently dried.”

In reply, the Examiner’s response is highly improper. The factual record upon which the Examiner holds non-patentability must be clear. Who and/or what are these other sources, and what is the basis for their conclusions? If the present amendment does not put this application in condition for allowance, then answers to the above questions must be presented in the next Office Action in the form of an affidavit by the Examiner, pursuant to 37 CFR 1.104(d)(2). In addition, for the same reasons, the present amendment should be entered as a matter of right, even though the Office Action is “Final,” and the finality of the Office Action withdrawn, because an appeal would be premature of rejections based on findings having no basis in the present record.

For all the above reasons, it is respectfully requested that the rejections over prior art be withdrawn.

All of the presently active claims in this application are now believed to be in immediate condition for allowance. The Examiner is respectfully requested to rejoin the non-elected method claims, and in the absence of further grounds of rejection, pass this application to issue with all pending claims.

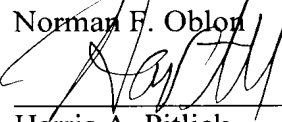
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